

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF WATER)	
SERVICE CORPORATION OF KENTUCKY FOR A)	CASE NO.
GENERAL ADJUSTMENT IN EXISTING RATES)	2018-00208

ORDER

On January 11, 2019, Water Service Corporation of Kentucky (Water Service Kentucky) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential protection for an indefinite period for all pages filed in response to Staff’s Post-Hearing Data Request, Item 5 (Response to Item 5), for information from the “2016 AWWA Water Utility Compensation Survey” that is produced by the American Water Works Association (AWWA). In addition, Water Service Kentucky sought confidential treatment of P50 salary amounts specifically identified in the narrative portion in its Response to Item 5. These P50 salary amounts are a product of the AWWA Survey.

As a basis for its request, Water Service Kentucky states that the information in those documents is only available to members of the AWWA and is protected by copyright law, citing *City of Augusta, Case. No. 2015-00039 (Ky. PSC Sept. 22, 2015)*. Water Service Kentucky argues that disclosure of this information to Water Service Kentucky’s competitors would grant the competitors an unfair commercial advantage. Additionally, Water Service Kentucky and its corporate affiliates have paid to receive a comparison of salaries in the market. If the information were to be publicly disclosed, Water Service

Kentucky's competitors would have the financial benefit of receiving the information without the costs paid by Water Service Kentucky. Finally, Water Service Kentucky seeks to maintain the confidentiality of its salaries identified in the chart in the narrative response to Item 5. The Company does not publicly disclose non-executive employees' salaries and wages. Water Service Kentucky argues this confidential employee compensation information, if disclosed, would enable competitors to attempt to recruit key personnel, and would compromise the Company's position in negotiating employee compensation terms.

Having considered the petition and the material at issue, the Commission finds that the information contained in all pages filed in its Response to Item 5, with information from the "2016 AWWA Water Utility Compensation Survey" and the P50 salary information in the narrative portion of its Response to Item 5 is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Water Service Kentucky's petition for confidential protection for the information contained in its response to Staff's Post-Hearing Data Request, Item 5 is granted.
2. The designated materials shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.

3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Water Service Kentucky shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

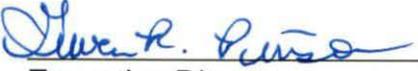
5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Water Service Kentucky shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Water Service Kentucky is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Water Service Kentucky to seek a remedy afforded by law.

By the Commission

ENTERED
MAR 08 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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